

### **REMARKS**

Claims 1-12, 22-24, 26 and 28-31 are currently pending in this application. Applicant is amending herewith Claims 1, 3-4, and 9. Applicant submits that support for these amendments can be found generally throughout the specification, and particularly at page 2, lines 23-25; page 6, lines 35-37 and page 7, line 5. Applicant submits that the foregoing amendments do not add new matter, and, therefore, the amendments should be entered. Following entry of these amendments, Claims 1-12 and 22 will be pending and subject to further examination.

### **The Office Action**

Claims 1-12 and 22 were rejection under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-3, 7-9 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Bristol et al. (U.S. Patent No. 4,834,502) in view of Scianna (U.S. Patent No. 5,997,995). Claims 4, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Bristol et al. in view of Scianna and further in view of Ferrar et al. (U.S. Patent No. 5,578,370). Claims 5, 6 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Bristol et al. in view of Scianna and further in view of Higgs (GB 2 289 520 A). Applicant is amending the claims herewith to overcome the foregoing rejections.

**The Rejection Under 35 U.S.C. § 112**

Claims 1-12 and 22 were rejection under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection states that the phrase “planar layers are each of a similar material” in Claim 1 is unclear. The rejection also states that there is insufficient antecedent basis for the term, “plastics material is polypropylene” in Claim 3. The rejection further states that there is insufficient antecedent basis for the term, “plastics material is oriented polypropylene” in Claim 4. The examiner states that there is insufficient antecedent basis for the term, “plastics material is selected from polypropylene, oriented polypropylene or polyester” in Claim 9. Claims 2, 5-8, 10-12 and 22 were rejected under 35 U.S.C. § 112, second paragraph, due to their dependency on rejected Claim 1.

Applicant is amending Claims 1, 3 and 4 herewith. Applicant submits that the claims, as amended, overcome the present rejection. Accordingly, it is respectfully requested that the rejection of Claims 1-12 and 22 under 35 U.S.C. § 112, second paragraph, be withdrawn

**The Rejection Under 35 U.S.C. § 103**

Claims 1-3, 7-9 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Bristol et al. in view of Scianna. Claims 4, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Bristol et al. in view of Scianna and further in view of Ferrar et al. Claims 5, 6 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Bristol et al. in view of Scianna

and further in view of Higgs. Applicant is amending the claims herewith to overcome these rejections.

As amended, Claim 1 now recites that the upper and lower layers are of the same material. This feature is neither shown nor suggested in Bristol or Scianna. In Bristol, the described mat comprises a core sheet 14 made from a black vinyl compound. The upper surface of the mat is defined by a sheet 12 of polycarbonate material while the lower surface is defined by a sheet 16 made from either a mixture of cork and rubber or a foam neoprene material. It is readily apparent that polycarbonate is not the same as a cork rubber mixture or a foam neoprene material. Polycarbonate is a substantially rigid material; whereas, the mixture of rubber and cork and foam neoprene are readily flexible. Accordingly, the use of these different material on opposing sides of the black vinyl compound would not provide the functional benefit of the arrangement now claimed in Claim 1. As presently amended, Claim 1 requires that the upper and lower planar layers have the same construction to prevent distortion of the tile during the moulding thereof. This feature is not disclosed or suggested by Bristol.

Regarding Scianna, the rejection states that Scianna teaches the non-adhesive bonding of a planar layer to another layer, and suggests that this is supported by the disclosure at col. 3, lines 22-30 of Scianna. Applicant respectfully disagrees with the interpretation of Scianna in the present rejection. Applicants respectfully submit that the passage relied upon by the rejection discloses exactly the opposite. The referenced passage refers to the substrate 11 and thin plastic layers 13 being adhesively joined. The subsequent

lines disclose different arrangements whereby this adhesive joining can be achieved; *i.e.*, pressing the substrate and plastic film together in a conventional press or pressing the substrate and film through a series of rollers. In each case, the use of the press and the rollers is used to activate or achieve an adhesive bond between the substrate and film. Therefore, Scianna does not disclose the non-adhesive bonding of a planar layer to another layer. Accordingly the combination of Bristol and Scianna, as urged in the present rejection, would not provide the present invention as claimed.

It is respectfully submitted that a skilled person would not be motivated to consider the teaching of Scianna in looking to improve the mouse mat of Bristol.. It is believed that the skilled person would not consider both the removal of the adhesive used to bonds the sheets of Bristol nor the replacement of the lower sheet of Bristol with polycarbonate or the upper sheet of Bristol with a sheet of a mixture of cork and rubber or foam neoprene material. It is believed that the skilled person would instead employ the use of the press or roller arrangement described in Scianna to construct the mouse mat of Bristol so as to improve the adhesive bond between the respective materials.

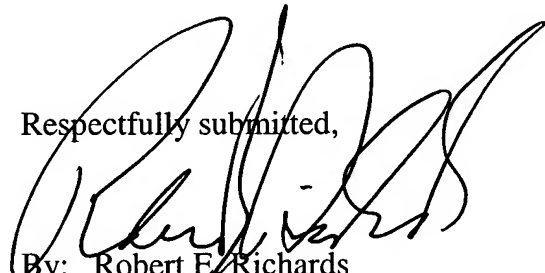
Regarding the rejection of the dependent Claims 4-6, and 10-12, those claims depend from Claim 1 and rely for patentability on the patentability of Claim 1.

Applicant respectfully requests that the rejection of Claims 1-12 and 22 under 35 U.S.C. § 103 be withdrawn.

**Conclusion**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendment. Applicant submits that all claims are now in condition for allowance. Such action is courteously solicited. Applicant further request that the Examiner call the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

Respectfully submitted,



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